

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

GERALD PITTMAN,

Plaintiff,

Case no. 07-14892

HON. JOHN CORBETT O'MEARA

v.

RICHARD KOLB,

Defendant.

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ORDER ADOPTING MAGISTRATE JUDGE BINDER'S
REPORT AND RECOMMENDATION

The Court having reviewed Magistrate Judge Binder's Report and Recommendation, filed May 22, 2008, as well as Defendant Kolb's objections filed May 30, 2008, and being fully advised in the premises;

IT IS HEREBY ORDERED that the Report and Recommendation is accepted and adopted by this Court.

IT IS FURTHER ORDERED that Defendant's motion for summary judgment is DENIED as to both Plaintiff's Eighth Amendment claim and Plaintiff's First Amendment retaliation claim.

SO ORDERED.

s/John Corbett O'Meara

United States District Judge

Date: July 2, 2008

I hereby certify that a copy of the foregoing document was served upon the parties of record on this date, July 2, 2008, by electronic and/or ordinary mail.

s/William Barkholz

Case Manager